

## **HALL & ASSOCIATES**

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January 7, 2016

### **Via FOIA Online**

U.S. EPA Region 1  
Office of Environmental Stewardship  
5 Post Office Square, Suite 100 (OES-05-4)  
Boston, MA 02109-3912

**RE: Freedom of Information Act Request for Records Associated with November 5, 2013 Memorandum from EPA Headquarters Entitled “Applicability of Iowa League decision to EPA permitting determinations” among Regional Offices**

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To Whom This May Concern:

This is a request for a public records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. Section 552, as implemented by the Environmental Protection Agency (“EPA”) at 40 C.F.R. Part 2. For purposes of this request, the definition of “records” includes, but is not limited to, documents, letters, memoranda, notes, reports, e-mail messages from both work and personal accounts, policy statements, data, technical evaluations or analysis, and studies.

### **Background**

On November 5, 2013, a memorandum entitled “Applicability of Iowa League decision to EPA permitting determinations,” was drafted and distributed by EPA Headquarters to all of the Regional Water Permit Division Directors. *See* Ex. 1 – Vaughn Index Reference; Ex. 2 – Redacted Memos. This memorandum outlined EPA’s position on the national applicability of the Eighth Circuit Court’s decision in *Iowa League of Cities v. EPA*, 711 F.3d 844 (8th Cir. 2013) to future permitting actions outside of the 8<sup>th</sup> Circuit.

## **Request**

Specifically, this Request seeks the following:

- All records transmitting, referencing, or discussing the content and applicability of the November 5, 2013 memorandum. Such records would include all correspondence to and from state permitting agencies, permittees, other EPA regions, or EPA Headquarters.

\* \* \*

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsive to this request and send it to the undersigned at the above address. If the requested record is withheld based upon any asserted privilege, please identify the basis for the non-disclosure.

If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that only the necessary document is duplicated.

Respectfully,

/s/ Adam Carlesco

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